

Exhibit H

From: Connolly, Christopher (USANYS) <Christopher.Connolly@usdoj.gov>
Sent: Tuesday, November 21, 2017 4:07 PM
To: Martinez Resly, Jaclyn
Subject: RE: Brennan Center v. Dep't of State, 17 Civ. 7520 (PGG) (S.D.N.Y.)

Jaclyn,

You may of course represent to the Court that the parties have conferred about scheduling. But we do not think it is accurate to say that we are at an impasse. You have asked us, in general, to agree to an expedited schedule -- but you have not proposed a schedule that would be acceptable to your client, and that I in turn could discuss with my client. Indeed, insofar as you intend to propose a schedule to the Court, I have no idea what that schedule even would be. As I've said before, we would like to agree to a schedule, and as soon as we are in a position to make a proposal to you, we will. In our view, given the lack of a concrete proposal from you and the coordination that needs to take place before we can make our own proposal, there is still room for the parties to negotiate a schedule without the Court's involvement.

Chris

-----Original Message-----

From: Martinez Resly, Jaclyn [mailto:jmartinezresly@cov.com]
Sent: Friday, November 17, 2017 11:03 AM
To: Connolly, Christopher (USANYS) <CConnolly2@usa.doj.gov>
Subject: RE: Brennan Center v. Dep't of State, 17 Civ. 7520 (PGG) (S.D.N.Y.)

Chris,

We appreciate your email. However, we are disappointed and surprised by the apparent lack of progress on processing the responsive records given the Department of State's July 2017 agreement to expedite processing (Dkt. 1-3) and its August 2017 representation to my colleague, Lala Qadir, that its estimated date of completion for production of a broader set of responsive records was October 31, 2017 (Compl. para. 32; Dkt. 1-4). As you know, this lawsuit seeks only a subset of what was promised by October 31.

Given this lack of progress and the inability to agree on an expedited schedule nearly a month after my initial request for expedition (Oct. 24), we believe we are at impasse. Please advise whether we may represent to the Court that the parties have conferred and are at impasse regarding scheduling.

Best,
Jackie

Jaclyn Martinez Resly

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5528 | jmartinezresly@cov.com www.cov.com

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

-----Original Message-----

From: Connolly, Christopher (USANYS) [mailto:Christopher.Connolly@usdoj.gov]
Sent: Wednesday, November 15, 2017 8:35 PM
To: Martinez Resly, Jaclyn <jmartinezresly@cov.com>
Subject: Re: Brennan Center v. Dep't of State, 17 Civ. 7520 (PGG) (S.D.N.Y.)

Jaclyn,

We would like to agree to a reasonable schedule for processing the records responsive to your request, producing any non-exempt information, and briefing the government's claimed exemptions. Right now, however, we are still working on determining dates that we can propose. The records in question are highly classified and subject to handling controls that complicate their dissemination and review. Further, the documents contain equities belonging to several different agencies, all of whom will need to be involved in the review process. We are working to coordinate this process so that we can discuss a schedule with you, but unfortunately aren't able to propose a firm date today.

Chris

On Nov 10, 2017, at 12:51 PM, Martinez Resly, Jaclyn
<mailto:jmartinezresly@cov.com<mailto:jmartinezresly@cov.com>> wrote:

Chris,

We understand your intention to file a complete Vaughn index with your motion for summary judgment. However, given the intense public interest in the records at issue in this case, we believe that a rolling production of responsive records and a rolling "draft" Vaughn index are appropriate. For example, the July 9 and September 15 reports (see Compl. ¶¶ 2(a), (b)) are readily identifiable and are reasonably discrete documents that can be reviewed quickly -- if they have not already been reviewed. Accordingly, they can be produced first, along with the justification for withholding any parts of them that are claimed to be exempt.

Please let us know by November 15 whether you are agreeable to this approach and, by that date, provide a firm date for a production with respect to the July 9 and September 15 reports. If you are not prepared to make these commitments, we will file a motion seeking expedition in the case.

Best,

Jackie

Jaclyn Martinez Resly

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW

Washington, DC 20001-4956

T +1 202 662 5528 | <mailto:jmartinezresly@cov.com><<mailto:jmartinezresly@cov.com>>

<http://www.cov.com><<http://www.cov.com>>

<image001.jpg>

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Connolly, Christopher (USANYS) [<mailto:Christopher.Connolly@usdoj.gov>]

Sent: Tuesday, November 07, 2017 4:49 PM

To: Martinez Resly, Jaclyn <<mailto:jmartinezresly@cov.com><<mailto:jmartinezresly@cov.com>>>

Subject: RE: Brennan Center v. Dep't of State, 17 Civ. 7520 (PGG) (S.D.N.Y.)

Jaclyn,

I am still discussing this issue with State and other agencies, and don't yet have a timeframe to propose - but I hope to have a better sense of things shortly.

Also, to be clear, we would not intend to file a freestanding Vaughn index and declarations. Instead, we would file those documents in support of a motion for summary judgment as part of an agreed-upon briefing schedule that is endorsed by the Court.

Chris

From: Martinez Resly, Jaclyn [<mailto:jmartinezresly@cov.com>]

Sent: Tuesday, November 7, 2017 2:46 PM

To: Connolly, Christopher (USANYS) <<mailto:CConnolly2@usa.doj.gov><<mailto:CConnolly2@usa.doj.gov>>>

Subject: RE: Brennan Center v. Dep't of State, 17 Civ. 7520 (PGG) (S.D.N.Y.)

Hi Chris,

This email follows up on my voicemail just now regarding when you expect to file a Vaughn index and supporting declaration(s). As discussed on October 24th, we believe expedition is warranted given the intense public interest in this issue and for the reasons set out in our complaint.

I look forward to your prompt response.

Best,
Jackie

Jaclyn Martinez Resly

Covington & Burling LLP

One CityCenter, 850 Tenth Street, NW

Washington, DC 20001-4956

T +1 202 662 5528 | <mailto:jmartinezresly@cov.com><<mailto:jmartinezresly@cov.com>>

<http://www.cov.com><<http://www.cov.com>>

[cid:image003.jpg@01D35A22.816EDA70]

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Martinez Resly, Jaclyn
Sent: Wednesday, November 01, 2017 1:54 PM
To: 'Connolly, Christopher (USANYS)'
<mailto:Christopher.Connolly@usdoj.gov><mailto:Christopher.Connolly@usdoj.gov>>
Subject: RE: Brennan Center v. Dep't of State, 17 Civ. 7520 (PGG) (S.D.N.Y.)

Good afternoon, Chris --

I'm writing to check in on our September 24th proposal to cooperatively expedite the action by the early filing of a Vaughn index. I look forward to hearing back from you.

Best,
Jackie

Jaclyn Martinez Resly

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5528 | <mailto:jmartinezresly@cov.com><<mailto:jmartinezresly@cov.com>>
<http://www.cov.com><<http://www.cov.com>>

[cid:image004.jpg@01D35A22.816EDA70]

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Martinez Resly, Jaclyn
Sent: Thursday, October 26, 2017 4:16 PM
To: 'Connolly, Christopher (USANYS)'
<mailto:Christopher.Connolly@usdoj.gov><mailto:Christopher.Connolly@usdoj.gov>>
Subject: RE: Brennan Center v. Dep't of State, 17 Civ. 7520 (PGG) (S.D.N.Y.)

Chris,

Thank you for providing this address. We will send this out shortly.

Additionally, please find an electronic copy of a notice that we slipped into the mail today.

Best,
Jackie

Jaclyn Martinez Resly

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW

Washington, DC 20001-4956

T +1 202 662 5528 | <mailto:jmartinezresly@cov.com><<mailto:jmartinezresly@cov.com>>

<http://www.cov.com><<http://www.cov.com>>

[cid:image005.jpg@01D35A22.816EDA70]

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Connolly, Christopher (USANYS) [<mailto:Christopher.Connolly@usdoj.gov>]

Sent: Thursday, October 26, 2017 4:09 PM

To: Martinez Resly, Jaclyn <<mailto:jmartinezresly@cov.com><<mailto:jmartinezresly@cov.com>>>

Subject: Brennan Center v. Dep't of State, 17 Civ. 7520 (PGG) (S.D.N.Y.)

Dear Jaclyn,

I'm writing to follow up on the service issue that you mentioned in our call on Tuesday. Please serve a copy of the Complaint on the State Department at the following address: The Executive Office, Office of the Legal Adviser, Suite 5.600, 600 19th Street NW, Washington, D.C. 20431. I am still discussing the timing question you raised with others, and will be back in touch with you on that shortly.

Best,
Chris

Christopher Connolly

Assistant United States Attorney

Southern District of New York

86 Chambers Street

New York, New York 10007

Tel.: (212) 637-2761

Fax: (212) 637-2786

<mailto:christopher.connolly@usdoj.gov><<mailto:christopher.connolly@usdoj.gov>>